

2012 No. 2394

DANGEROUS DRUGS

**The Misuse of Drugs (Supply to Addicts) (Amendment)
Regulations 2012**

<i>Made</i> - - - -	<i>16th September 2012</i>
<i>Laid before Parliament</i>	<i>19th September 2012</i>
<i>Coming into force</i> - -	<i>31st October 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 10(1), (2)(i) and (2A) and 31 of the Misuse of Drugs Act 1971(a).

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Supply to Addicts) (Amendment) Regulations 2012 and shall come into force on 31st October 2012.

Amendment of the Misuse of Drugs (Supply to Addicts) Regulations 1997

2. The Misuse of Drugs (Supply to Addicts) Regulations 1997(b) are amended as follows.

3. In regulation 3—

(a) in paragraph (1)(b) for “Secretary of State” substitute “appropriate authority”(c);

(b) after paragraph (1) insert—

“(1A) Any licence issued by the appropriate authority in pursuance of these Regulations may permit a doctor to administer, supply or prescribe a drug, or to authorise the administration or supply of a drug, only while at an address specified in that licence.”; and

(c) in paragraph (2) after “issued to him” insert “by the appropriate authority”.

Transitional provision

4. Notwithstanding regulation 3(a) and (c), any licence issued by the Secretary of State before the coming into force of these Regulations shall continue in force as if these Regulations had not been made.

(a) 1971 c. 38. Section 10(2)(i) is amended, and section 10(2A) inserted, by section 19(2) of the Scotland Act 2012 (c. 11) which comes into force on 31st October 2012.
(b) S.I. 1997/1001, amended by S.I. 2005/2864.
(c) “Appropriate authority” is to be construed in accordance with section 10(2B) of the Misuse of Drugs Act 1971 which is inserted by section 19(2) of the Scotland Act 2012.

Home Office
16th September 2012

Jeremy Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs (Supply to Addicts) Regulations 1997 (the “1997 Regulations”) to the effect that, on the coming into force of section 19(2) of the Scotland Act 2012 which amends section 10 of the Misuse of Drugs Act 1971, the relevant licensing authority for the purposes of any licence issued under the 1997 Regulations is the Scottish Ministers where the licence specifies an address in Scotland, and the Secretary of State where the licence specifies an address in England and Wales. Regulation 3(b) inserts new paragraph (1A) into regulation 3 of the 1997 Regulations which provides that any licence issued under the 1997 Regulations may permit a doctor to administer, supply or prescribe a drug, or to authorise the administration or supply of a drug, only while at an address specified in that licence. Regulation 4 makes transitional provision for licences issued under the 1997 Regulations before the coming into force of these Regulations and provides that such licences are to continue in force.

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